

THE HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER ,

Plaintiff,

v.

JAMES M. PETERS, et al.,

Defendants.

NO. C11 5424 BHS

**DEFENDANTS' MOTION FOR
ATTORNEY FEES FOR MOTION
TO STRIKE PLAINTIFF'S
SECOND SUPPLEMENTAL
DISCLOSURE PURSUANT TO
FED.R.CIV.P. 26(a)(1)**

**NOTE ON MOTION CALENDAR:
Friday, March 22, 2013**

I. INTRODUCTION & RELIEF REQUESTED

On February 13, 2013 this Court entered an Order Denying Motion to Strike Plaintiff's Second Supplemental Disclosure and to Bar Testimony. Document 149. The Order provides in relevant part that " . . . upon a motion by Defendants, the Court will award reasonable attorney fees to Defendants for having made this motion." Order, p. 5, lns. 9-10. Defendants hereby move the Court for an award of attorney fees as directed.

II. EVIDENCE RELIED UPON

The attorney fees incurred in connection with the pertinent Motion to Strike are set forth in the Declaration of Guy Bogdanovich in Support of Defendants' Motion for Attorney

**DEFENDANTS' MOTION FOR ATTORNEY FEES FOR
MOTION TO STRIKE PLAINTIFF'S SECOND
SUPPLEMENTAL DISCLOSURE PURSUANT
TO FED.R.CIV.P. 26(a)(1) - 1**

Cause No: C11-5424 BHS

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1 Fees for Motion to Strike Second Supplemental Disclosure. The attorney fees billed for
 2 drafting the pertinent motion, reviewing responsive pleadings and drafting a reply total
 3 \$1,537.50.

4 **III. AUTHORITY AND ARGUMENT**

5 A determination of reasonable attorney fees generally involves calculation of a
 6 “lodestar” amount by multiplying the number of hours reasonably expended by a
 7 reasonable hourly rate. *See, e.g., Cunningham v. County of Los Angeles*, 879 F.2d 481,
 8 484 (9th Cir. 1989). Here, the supporting Declaration of Guy Bogdanovich establishes a
 9 total of 7.5 hours reasonably and necessarily spent on relevant pleadings, and billing at
 10 \$205 per hour, a rate reasonable in the relevant legal community. Defendants’ request
 11 for an award of reasonable attorney fees in the resulting amount of \$1,537.50 should be
 12 granted.

13 **IV. CONCLUSION**

14 Based upon the foregoing, defendants request that the Court enter an Order
 15 awarding them \$1,537.50 in reasonable attorney fees, to be paid within 30 days after
 16 entry of the Order by check made payable to “Clark County, Washington,” as reflected
 17 in the proposed Order filed herewith.

18 DATED this 5th day of March, 2013.

19 /s/ Guy Bogdanovich

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 21
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